

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LUCILLE DUMAS,	)	Case No. 1: 16 CV 81
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
vs.	)	
	)	MEMORANDUM OPINION
MADELINE CHAPPELL, <i>et al.</i> ,	)	AND ORDER
	)	
Defendants.	)	

This matter is before the Court on the Motion of Defendant Cuyahoga County to Dismiss Plaintiff's state law claims against it (Counts 5 and 6) and the "official capacity" federal claims against Co-Defendant Chappell (Counts 1 and 2). (ECF #4). The County argues that Count 5 of the Complaint asserting a state law claim under Ohio R.C. §2921.03(C) that Plaintiff was harmed by Defendant Chappell's violation of R.C. §2921.03(A) against both defendants and Count 6 asserting a state law claim of negligent supervision/retention must be dismissed against the County because the County is entitled to immunity under R.C. §2744.02. In her Opposition to the County's motion, Plaintiff states that her state law claims are asserted only against Defendant Chappell in her personal capacity so there are no state law claims against the County to Dismiss. Similarly, at the Case Management Conference with the Court, Plaintiff's counsel stated that Plaintiff would not contest the County's political subdivision immunity defense asserted in its Motion for Partial Dismissal.

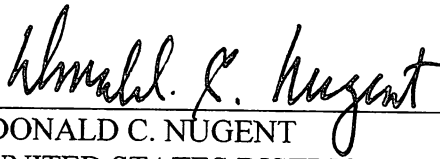
The County argues that Plaintiff's "official capacity" federal claims against Defendant Chappell are redundant claims against the County because suing an official or an employee of a political subdivision such as Cuyahoga County in her official capacity for a constitutional violation pursuant to 42 U.S.C. §1983 is the same as suing the political subdivision itself.

Plaintiff agrees and stated that she understands that the law would not allow her to recover on redundant claims. (ECF #7 at 2).

As the County's arguments are not opposed by Plaintiff, the County's Motion for Partial Dismissal (ECF #4) is GRANTED. The "official capacity" claims in Counts 1 and 2 are dismissed and Counts 5 and 6 are dismissed as to Defendant Cuyahoga County.

IT IS SO ORDERED.

DATED: March 30, 2016

  
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DONALD C. NUGENT  
UNITED STATES DISTRICT COURT